

JAN 20 1995

ORIGINAL

COMMENTS OF KM COMMUNICATIONS, INC.

³ KM has filed applications for construction permits for new full service television stations at Syracuse, New York; Sierra Vista, Arizona; Pendleton, Oregon; Boise, Idaho; Iowa City, Iowa; Salt Lake City, Utah; Ames, Iowa; and Batavia, New York.

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interested party in this proceeding. Therefore, KM submits the following comments for the Commission's consideration:

I. DISCUSSION.

Since KM originates programming locally for its LPTV stations,⁴ KM is currently required to have an operator "in continuous attendance at the transmitter site, at a remote control point⁵ or at the program source." See 47 C.F.R. § 74.734(a). Therefore, unlike LPTV station licensees that do not originate programming locally, KM is not eligible to operate its LPTV stations without a licensed radio operator in attendance, simply by meeting the requirements set forth in subsections (1) through (6) of Section 74.734(a) of the Commission's Rules. Id.

The attended operation requirements for LPTV stations is an unnecessary and costly burden, particularly when imposed upon LPTV licensees. LPTV stations, due to their coverage, typically serve smaller geographic areas and populations, and operate upon more modest budgets, than do full service television stations. Accordingly, the economic burden imposed by attended operations weighs more heavily upon LPTV licensees. As the Commission acknowledges in the NPRM, modern technology makes attended operation unnecessary. Therefore, the Commission should relieve LPTV as well as full service television station licensees from that burden.

⁴ Section 74.701(h) provides, in pertinent part, that "[t]ransmission of TV program signals generated at the transmitter site constitutes local origination." See 47 C.F.R. § 74.701(h). At each of its LPTV stations, KM transmits programming generated from a tape machine at the transmitter site, thereby falling within the definition of "local origination."

⁵ "A remote control point is a position at some location other than the transmitter (most often at the main studio) from which the transmitter can be monitored and controlled." NPRM at n.2.

In light of these factors, KM supports the Commission's proposal to offer more flexibility for LPTV stations, see NPRM at ¶ 14, as well as the proposed revised language for Section 74.734, which eliminates the exception for local origination.

In addition, KM generally supports the Commission's proposals to waive certain requirements of Section 73.1860 of the Commission's Rules, 47 C.F.R. § 73.1860, which require duty operators at broadcast stations, and that duty operators hold a Restricted Radiotelephone Operator Permit ("RP"). See NPRM at ¶ 5. The requirement for a licensed duty operator, as well as the costs and burdens imposed by such requirement, is no longer necessary or appropriate in light of improvements in transmission equipment. Id.

However, KM does not support the alternative proposal presented by the Commission which would allow "unattended operation of broadcast stations only if they are ATS⁶-equipped." Id. at ¶ 10. Such a requirement may prevent some licensees, particularly licensees of smaller LPTV stations, from enjoying the intended benefit of relaxed attended operation rules, due to the required investment in ATS equipment.

Furthermore, for stations which have already invested in "highly stable state-of-the-art transmitters," id. at ¶ 9, very little public benefit may be derived from the additional investment in ATS equipment. Such decisions (for example, whether to invest in state-of-the-art transmitters or ATS equipment) should be left to the licensee, within the overall framework of

⁶ "ATS" is an abbreviation for "Automatic Transmission System." An ATS "consists of monitoring devices, control and alarm circuitry, arranged so that they interact automatically to operate a broadcast station's transmitter and maintain technical parameters within licensed values. In the event of a malfunction, the equipment can be programmed to contact the duty operator so that remedial action can be undertaken. However, once the ATS determines an out-of-tolerance condition that cannot be corrected within 3 minutes, the station is automatically taken off the air." NPRM at n.3.

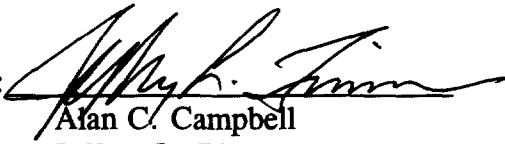
a licensee's responsibilities under the Commission's Rules. As the Commission stated, the proposed changes in the Rules does not diminish or eliminate the responsibility of licensees to adequately monitor their stations to ensure compliance with the technical rules; rather, the intent is to permit licensees to determine and implement the most cost-effective means of complying with the Rules. See, e.g., id. at ¶ 7.

Finally, KM generally supports the Commission's efforts to update or clarify the transmitter control requirements. However, while KM welcomes the Commission's proposal to identify the basic parameters which should be monitored and controlled by various types of broadcast stations, such parameters should be identified as guidelines, rather than "minimum requirements." Id. at ¶ 33. In the event that the Commission determines that monitoring and control requirements must be imposed, the Commission should survey and consider the capabilities of equipment already installed in existing stations. Last, with regard to the proposed three minute time period proposed for the correction of out-of-tolerance conditions by remote control, id. at ¶ 40, KM is concerned whether the proposed three minute period would be a sufficient and appropriate period of time based on existing installed equipment. The Commission should carefully consider the capabilities of existing equipment before imposing a fixed time period (i.e., the proposed three minute period) for corrective action for stations which continue to employ remote control operation.

II. CONCLUSION.

WHEREFORE, for the reasons set forth herein, KM respectfully requests that the Commission consider the comments set forth above, and adopt Rules which allow for unattended operation by broadcast stations in general, and LPTV stations in particular, and update or clarify the transmitter control requirements.

Respectfully submitted,
KM COMMUNICATIONS, INC.

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